IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.972/2006.

Union of India
Versus
Sumer Chand Bhandari and ors.

Date of Order:- July 6th , 2007.

PRESENT
HON'BLE MR.JUSTICE R.M. LODHA
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Sumit Khandelwal for appellants-Union of India.

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Oral order (Per R.M. Lodha, J.):-

The respondent No.1 is a card holder of Central Government Health Scheme (C.G.H.S.). He underwent surgery for his both knee replacement at A.I.I.M.S., New Delhi. The treatment period was from 1.4.2003 to 18.6.2003. He claimed reimbursement of Rs.3,46,715.04 under the following heads:-

(1) AIIMS, New Delhi	:	Rs.132258.00
(2) Cost of Implant	:	Rs.150000.00
(3) Private Attendant charges	:	Rs. 19050.00
(4) Cost of Medicines, purchased outside hospital	:	Rs. 45407.04

2. In addition to the aforesaid claim, the respondent No.1 also claimed a sum of Rs.15,000/- towards travelling charges.

3. The appellants sanctioned the claim of respondent No.1 in the sum of Rs.3,08,183.28 in the following manner:-

(1)	AIIMS, New Delhi	:	Rs.126658.00
(2)	Cost of Implant	:	Rs.130000.00
(3)	Private Attendant charges	:	Rs. 9525.00
(4)	Cost of Medicines purchased outside hospital: as per list of beneficiary		Rs. 42000.28

4. Thus, the claim of respondent No.1 to the extent of Rs.53,531.76 was disallowed. That compelled him to approach this Court by invoking extraordinary jurisdiction for direction to the appellants to reimburse to him the aforesaid amount.

5. The Single Judge after hearing the parties granted the relief to respondent No.1 excluding the claim to the tune of Rs.3406.76p. and directed the appellants to comply with the order within two months from the date of order dated. That order is impugned in the present appeal.

6. The counsel for the appellants took us through various clauses of C.G.H.S. and submitted that the respondent No.1 was not entitled to cost of implants to the extent of Rs.1,30,000/- only and any amount in excess thereof was not permissible. According to him, thus, under this head, an amount of Rs.20,000/- was rightly deducted. As regards the travelling charges in the sum of Rs.15,000/- and the diet charges in the sum of Rs.5600/-, the counsel would submit that these amounts were not payable and that the respondent No.1 was also not entitled to the claim private attendant charges in the sum of Rs.9525/-. He relied upon the judgment of the Apex Court in the case of State of Punjab Vs. Ram Lubhaya

Bagga : AIR 1998 SC 1703 and submitted that the matter of government policy concerning medical reimbursement has to be strictly adhered to and medical expenses can only be reimbursed in accord with the government policy and to the extent of the availability of the financial resources.

7. We considered the submissions of the counsel for the appellants. Upon careful perusal of the C.G.H.S., that we need not repeat, we find that Single Judge has considered each claim of respondent No.1 pertaining to the cost of implants, traveling charges, private attendant charges and the diet charges with reference to the relevant provisions of the Scheme. The claim of respondent No.1 has been awarded by the Single Judge strictly in accord with the Scheme. We find ourselves in agreement with the consideration of the matter by the Single Judge and no amount is seen to have been awarded beyond the permissible limits prescribed in the Scheme.

8. In so far as the judgment of the Supreme Court in State of Punjab Vs. Ram Lubhaya Bagga supra is concerned, we find that the judgment has no application to the facts of the present case.

9. As a matter of fact, we find that the litigation was avoidable had the appellants acted in conformity with the Scheme while considering the claim of the respondent No.1. In any case, now, Single Judge of this Court has considered the matter in right perspective and we find no justification to interfere therein.

10. There is no merit in this special appeal and we, accordingly, dismiss it in limine.

MOHAMMAD RAFIQ, J. **R.M. LODHA, J.**

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